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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,577	10/04/2001	Toshiyuki Sashihara	P/2291-106	1209
7590	08/22/2005			EXAMINER NG, CHRISTINE Y
Steven I Weisburd Esq Dickstein Shapiro Morin & Oshinsky LLP 41st Floor 1177 Avenue of the Americas New York, NY 10036-2714			ART UNIT 2663	PAPER NUMBER
DATE MAILED: 08/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/970,577	SASHIHARA, TOSHIYUKI
	<b>Examiner</b>	<b>Art Unit</b>
	Christine Ng	2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 October 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,22 and 27 is/are rejected.  
 7) Claim(s) 3-21,23-26 and 28 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/12/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 7-10, claim 2 lines 6-9, and claim 22 lines 6-9: it is unclear what is meant by "transmitting a .... signal at a slot corresponding to each of transmission and reception timings on the channel". It is unclear as to whether a signal is transmitted at every slot of the channel that will transmit or receive data, or whether a signal is transmitted at just one slot of the channel. It is also unclear whether the "channel" refers to a frequency channel.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,470,006 to Mousley in view of U.S. Patent No. 6,693,885 to Sydon et al.

Referring to claims 1 and 2, Mousley et al disclose a method for avoiding asynchronous interference in a

TDMA (time division multiple access) system allowing communications among a plurality of base stations (Figure 1, base stations 12,14,22) and mobile stations, comprising the steps of:

At a base station desirous of using a channel to transmit and receive signals,

a) Transmitting a first predetermined signal at a slot corresponding to each of transmission and reception timings on the channel to check whether asynchronous interference occurs on the channel. The base station sends a signal to a mobile station, and the mobile station performs interference measurements based on the signal. Refer to Column 3, line 66 to Column 4, line 5; and Column 4, lines 49-67.

At a mobile station located in an area where the first predetermined signal can propagate,

b) Determining whether asynchronous interference occurs on the channel, based on a plurality of error packet reception results on the channel. Using the signal from the base station, the mobile station counts the number of corrupted bits at the beginning and end of the time slot to perform interference measurements. Refer to Column 4, lines 49-67.

c) When it is determined that asynchronous interference occurs, notifying the base station of occurrence or the asynchronous interference. Refer to Column 5, lines 1-12.

At the base station,

d) When the base station is successfully notified of occurrence of the asynchronous interference, determining that asynchronous interference occurs. Refer to Column 5, lines 1-17.

e) When receiving at least one error packet on the channel, determining that asynchronous interference occurs. Refer to Column 5, lines 1-17.

f) When it is determined that asynchronous interference occurs on the *time slot*, selecting another *time slot* to avoid asynchronous interference. Refer to Column 5, lines 18-40.

Moulsley does not disclose selecting another *channel* to avoid asynchronous interference.

Sydon et al disclose that during data communication, the channel must be continuously monitored. If monitoring shows that the current channel transmitted at a particular frequency is subject to interference, another frequency is chosen for the next active time slot. Refer to Column 2, lines 34-44 and Column 5, lines 45-57. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include selecting another *channel* to avoid asynchronous interference; the motivation being that in case all time slots of a channel are already occupied, a time slot on another frequency can be chosen for data transmission/reception, thereby preventing collision.

Referring to claim 27, Moulsley does not disclose that an ad hoc network is constructed by one of the mobile stations and temporarily acting as a base station.

However, an ad hoc network allows for wireless devices to be temporarily connected to one another depending on their location. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that an ad hoc network is constructed by one of the mobile stations and temporarily acting as a base station; the motivation being to allow for flexibility in the system as the mobile stations change locations.

***Allowable Subject Matter***

5. Claims 3-21, 23-26 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng *cn*  
August 17, 2005

  
RICKY NGO  
PRIMARY EXAMINER

*8/18/05*